IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 5434 of 1999

For Approval and Signature:

HONOURABLE MR.JUSTICE S.R.BRAHMBHATT

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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BABUBHAI JAGJIVANDAS PARMAR - Petitioner
Versus
STATE OF GUJARAT - Respondent

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Appearance :
MR GM JOSHI for Petitioner : 1,
MR HEMANT MAKWANA AGP for Respondent: 1,

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CORAM : HONOURABLE MR.JUSTICE S.R.BRAHMBHATT

Date : 04/12/2007

ORAL JUDGMENT

1. Shri Joshi, learned counsel appearing for the petitioner submits that in fact the petitioner had preferred two petitions challenging the order of dismissal and order of punishment in the present petition for recovering a sum of Rs.25,000=00 from his salary.

2. This Court (Coram: S.K.Keshote, J.)(as he then was) on 26.7.1999 while issuing Rule did not grant interim relief on the premise that the amount of Rs.25,000=00 can always be ordered to be refunded in case petitioner succeeds in the matter.

3. Shri Joshi, learned counsel for the petitioner submits that the another matter challenging the dismissal order was allowed. Thereafter, the petitioner as per his information did not continue in service. Shri Joshi further submits that despite his repeated attempt to receive instructions in respect of this matter, whether petitioner is interested in proceeding further or not, he has not received any instructions from the petitioner. He submits that in view of this, the matter be disposed of with a liberty to revive the same in case of any difficulty.

4. Shri Makwana, learned AGP submits that this petition may be disposed of as having been infructous as petitioner has not sent any instructions to his counsel.

5. Accordingly, this matter is disposed of for want of instructions. However, liberty is reserve to the petitioner to revive the same in case of difficulty and said liberty shall be availed within reasonable time only. Rule discharged. No costs.

(S.R.BRAHMBHATT, J.)

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